

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LAWRENCE H. HOBBS

Plaintiff,

v.

DOE RUN CORPORATION, et al.,

Defendants.

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No. 4:22-cv-00612-RWS

MEMORANDUM AND ORDER

This matter comes before the Court on its own motion. On August 10, 2022, the Court denied plaintiff Lawrence H. Hobbs's motion for leave to proceed in forma pauperis. (Docket No. 3). He was ordered to pay the filing fee within twenty-one days or face the dismissal of this action. Plaintiff subsequently paid the filing fee.

Because plaintiff paid the full filing fee, neither the Court nor the United States Marshal Service performs service of process. Instead, plaintiff is responsible for serving defendants pursuant to Rule 4 of the Federal Rules of Civil Procedure. Listed below are two options for service of process. Plaintiff must follow one of these two options:

Option I: Plaintiff must serve defendants with summonses. To do so, plaintiff must submit to the Court for *each* of these defendants: i) a file-stamped copy of his complaint; ii) a completed summons form (AO Form 440); and iii) a completed "Notice of Intent to Use Private Process Server" form. The "Notice of Intent to Use Private Process Server" form must include the name and address of the process server who will be effectuating service upon defendants. Plaintiff must complete these forms and return them to the Clerk's Office. Once plaintiff submits these forms, the Clerk's Office will sign and seal his summonses and return them to him. The summonses must

then be served upon defendants by a private process server, and return of service must be filed with the Court. Attached to this order are the necessary forms for service of the complaint by summons. Or in the alternative,

Option II: Plaintiff has the option of electing to serve defendants with the “Waiver of Service” form pursuant to Federal Rule of Civil Procedure 4(d). If plaintiff uses this option, he must complete a “Waiver of Service” form for each defendant. Plaintiff must then send the “Waiver of Service” form to each defendant, along with a copy of the complaint and a self-addressed and stamped envelope.¹ The Court will order the Clerk to forward these forms with the copy of this order. If defendants choose not to waive service, plaintiff will then need to use a private process server as described above in Option I.


Accordingly,

IT IS HEREBY ORDERED that plaintiff shall cause service to be effected upon defendants **no later than ninety (90) days from the date of this order**. In the absence of good cause shown, failure to timely serve said defendants shall result in the dismissal of plaintiff’s claims as to said defendants without prejudice.

¹If plaintiff chooses to serve defendants by waiver, he should file a notice with the Court informing the Court of his intention. Additionally, after a defendant signs one copy of the waiver and returns it to plaintiff, plaintiff should file his copy of the signed waiver with the Court.

IT IS FURTHER ORDERED that the Clerk of Court shall forward to plaintiff with a copy of this order, and for each defendant: i) a file-stamped copy of the complaint; ii) a summons form; iii) a “Notice of Intent to Use Private Process Server” form; and iv) a “Waiver of Service” form.

Dated this 25th day of August, 2022.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE